

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICK J GARDUNO,  
Petitioner,

No. C 02-5806 JSW

v.

GAIL LEWIS, Warden,  
Respondent.

**ORDER DENYING IN PART AND  
GRANTING IN PART REQUEST  
RE ORDER TO SHOW CAUSE**

On June 9, 2006, this Court issued an Order directing Petitioner's counsel, Frank G. Prantil, to show cause why he should not be disqualified from representing Petitioner in this matter. Mr. Prantil filed a motion requesting that this Court: (1) vacate or reconsider its Order to Show Cause ("OSC") and (2) consolidate this matter with case No. C-06-80138, a matter in which Mr. Prantil is a party. Alternatively, Mr. Prantil seeks: (1) an extension until June 29, 2006 to file a response to the OSC and (2) that this Court extend the time in which Mr. Prantil must serve a copy of the OSC on Petitioner. The Court HEREBY ORDERS that Mr. Prantil's request to:

- (1) modify or vacate the OSC is DENIED;
- (2) consolidate this matter with case No. C-06-80138 is DENIED;
- (3) extend the deadline to file a response to this Court's OSC to June 29, 2006 is GRANTED; and
- (4) extend the time in which Mr. Prantil must serve a copy of the OSC on Petitioner is DENIED. Mr. Prantil shall serve a copy of the OSC, Mr. Prantil's motion regarding the OSC, and this Order, by no later than June 22, 2006. Mr. Prantil is

further directed to serve a copy on Petitioner of his response to the OSC by no  
later than June 29, 2006 and to keep Petitioner fully appraised of all proceedings  
in this matter

**IT IS SO ORDERED.**

Dated: June 20, 2006

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California